

STATE OF INDIANA

DEPARTMENT OF LOCAL GOVERNMENT FINANCE



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TO: Assessing Officials

FROM: J. Barry Wood, Assessment Division Director *JBW*

DATE: March 28, 2008

SUBJECT: Property Assessment Appeals for Taxes Due and Payable in 2008 (**Revised**)

1. The purpose of this memorandum is to supplement the memorandum disseminated on March 27, 2008 in order to clarify for assessing officials the point at which the tax bill or provisional tax bill is "given" or "received" by the taxpayer for purposes of determining the trigger date for appeal rights in HEA 1001, Section 868. This memorandum also contains the same information as the previously issued memorandum on the changes to the property tax assessment appeal, or review, provisions as modified in House Enrolled Act (HEA) 1001, which was recently signed into law by Governor Daniels on March 19, 2008.

2. Extension of Appeals for Taxes Due and Payable in 2008, Effective as of July 1, 2007

a. HEA 1001, Section 868 extends the time that taxpayers have to appeal their 2007 assessment. **This provision is retroactive and in effect as of July 1, 2007.** It allows a taxpayer that receives a regular tax bill (Ind. Code § 6-1.1-22) or a provisional tax bill (Ind. Code § 6-1.1-22.5-2) for the first installment of property taxes based on the assessment date in 2007 (March 1, 2007) and first due and payable in 2008 to appeal their assessment under Indiana Code section 6-1.1-15-1 by filing a notice in writing with the assessing official **not later than the later of:**

(1) forty-five (45) days after the taxpayer's receipt (i.e., date placed in mail/postmarked per Ind. Code § 6-1.1-36-1):

(a) the regular tax bill under Indiana Code chapter 6-1.1-22, or

(b) the reconciling tax bill that reconciles the taxes from the provisional tax bill

or

(2) July 1, 2008.

b. This section applies even if a county has previously sent out Notices of Assessment (Form 11s). If a county has sent out Form 11s and a taxpayer files an appeal from the Form 11 within the forty-five (45) day time period prescribed in Indiana Code section 6-1.1-15-1(b), the taxpayer is prohibited from filing another appeal under this provision. In other words, HEA

1001 does not provide an *additional* appeal period to the taxpayer. This prohibition is due to the appeal from the Form 11.

c. However, for those taxpayers who received a Form 11, but did not file an appeal from the Form 11 within the forty-five (45) day time period prescribed in Indiana Code section 6-1.1-15-1(b), the taxpayer will be able to file an appeal under this provision in HEA 1001.

d. HEA 1001, Section 868 is nearly identical to the non-Code provision passed by the General Assembly in 2007. *See* SEA 287-2007, Section 162. That provision applied to the 2006 assessment date for taxes first due and payable in 2007. At that time, the Department declared, as it does now, that the section applied to counties that had previously sent out Form 11s.

3. This extended deadline provision in HEA 1001 in no manner should delay the assessing official from rolling the gross assessed values to the County Auditor. Processing all appeals is certainly not required before the assessing officials rolls the assessed values to the County Auditor. Although having an accurate estimate of potential changes in assessed value due to appeals is certainly beneficial for the Auditor, it is not a requirement. Other provisions in law, such as Indiana Code section 6-1.1-17-0.5 [County Auditor may reduce a taxing unit's assessed value to absorb the effects of reduced property tax collections expected to result from successful appeals], take into account the effects of appeals on property tax collections.

4. Additional changes were made to the appeal procedures in Indiana Code chapter 6-1.1-15. One change included a modification to Indiana Code section 6-1.1-15-1, which strengthened the preliminary informal conference process between the assessing official and the taxpayer. However, those changes from HEA 1001 do not take effect until July 1, 2008 and will be discussed further in an additional memorandum from the Department to be issued within the coming weeks.

5. If you have any questions about this memorandum, please feel free to contact me at (317) 232-3762, or bwood@dlgf.in.gov.